

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No. 13-04

STREAK PRODUCTS, INC.,

and

SYX DISTRIBUTION INC.

COMPLAINANTS,

v.

UTi, UNITED STATES, INC.,

RESPONDENT.

PROPOSED SCHEDULE

Pursuant to Your Honor's April 21, 2014 Order to Submit Proposed Schedule ("April 21st Order"), UTi, United States, Inc. ("UTi") hereby submits this proposed schedule. Although Your Honor's April 21st Order contemplated a joint proposed schedule, as reflected below, the parties have been unable to agree on a proposed schedule.

The primary point of contention between UTi and Complainants, Streak Products, Inc. ("Streak") and SYX Distribution ("SYX"), is when the discovery period should end. Complainants' Proposed Schedule incorrectly alleges that UTi is seeking to "re-open discovery." However—as evidenced by Your Honor's Order requesting that the parties set forth a reasonable timetable for the completion of all discovery—discovery remains open in this proceeding. Therefore, UTi is not seeking to "re-open discovery," but instead to comply with Your Honor's

Order by proposing what UTi contends is a fair and reasonable timetable for the completion of discovery.

UTi will serve on Complainants today documents responsive to Your Honor's April 7, 2014 Memorandum and Order on Complainants' Motion to Compel ("April 7th Order"). Based on conversations with Complainants' counsel, UTi understands that Complainants intend to submit an amended expert report (the "Amended Report") by June 13, 2014. Upon receipt of the amended expert report, which UTi anticipates will be substantially different from the original expert report, UTi will require time to review the Amended Report, the calculations contained therein, and any underlying documents relied upon by Mr. Steve Ferreira, and to question Mr. Ferreira on any new conclusions, analysis, and underlying documentation not covered by the original expert report. Contrary to Complainants' assertions, UTi maintains the right to depose Mr. Ferreira regarding any new conclusions, analysis or underlying documentation that UTi was not afforded an opportunity to question Mr. Ferreira on previously. UTi therefore respectfully requests a period of thirty (30) days from receipt of the Amended Report to complete discovery related to the Amended Report.

UTi also notes that it continues to wait for Complainants to produce all underlying documentation used by Mr. Ferreira in calculating the rate differentials included in the original expert report. Despite an assurance by counsel for Complainants that the underlying documents would be produced and continued requests from UTi, the documents underlying Mr. Ferreira's analysis of the Less-than-Container Load shipments have not been produced. Should Complainants continue to ignore UTi's request for this documentation, UTi will move to compel Complainants to provide this information.

Finally, in preparing to supplement its discovery responses to include documents relating to transportation provided on behalf of SYX as required by Your Honor's April 7th Order, UTi discovered correspondence with two employees of Complainants, Mr. Nestor Villalobos and Mr. Ruben Silva, regarding the rates charged to SYX for ocean transportation. Information relating to the parties' negotiation of rates is relevant to this case. Accordingly, UTi will notice the depositions of these witnesses to examine the scope of these potential rate negotiations.

As noted, UTi maintains that the discovery period in this case remains open. Both parties have expressed their intent to provide discovery beyond May 7, 2014. Accordingly, in light of the pending discovery issues outlined above, UTi submits the following proposed schedule for the completion of discovery and filing of proposed findings of fact, supporting evidence, and briefs:

1. Completion of all discovery, including depositions of expert witnesses

July 14, 2014, or thirty (30) days from receipt of Complainants' Amended Report, whichever is later.

2. Filing of Complainants' Proposed Findings of Fact, Supporting Evidence, and Brief

August 28, 2014 or forty-five (45) days from the date of completion of discovery, whichever is later.

3. Filing of Respondent's Response to Complainants' Proposed Findings of Fact, Respondent's Proposed Findings of Fact, Respondent's Appendix, and Respondent's Brief

September 29, 2014 or thirty (30) days from the date of filing of Complainants' Proposed Findings of Fact, Supporting Evidence, and Brief, whichever is later.

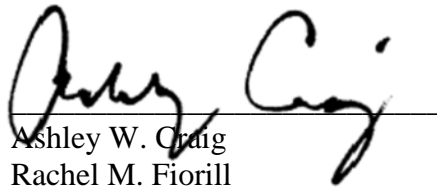
4. Filing of Complainants' Reply to Respondent's Proposed Findings of Fact and Reply to Respondent's Brief

October 13, 2014 or fourteen (14) days from the date of filing of Respondent's Response to Complainants' Proposed Findings of Fact, Respondent's Proposed Findings of Fact, Respondent's Appendix, and Respondent's Brief, whichever is later.

Oral Hearing

In the event that UTi is not afforded the opportunity to depose Mr. Ferreira regarding any Amended Report submitted in this matter, then UTi contemplates that an oral hearing may be necessary in order for UTi to question Mr. Ferreira on his new findings and conclusions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ashley W. Craig", is written over a horizontal line.

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Dated: May 7, 2014

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the following individuals by e-mail and first-class mail:

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Dated in Washington, D.C. this 7th day of May, 2014.